

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COSETTE R. CARTER-HARDY	:	CIVIL ACTION
	:	
v.	:	
	:	
ALLEGHENY AIRLINES, INC.	:	NO. 03-3647

ORDER- MEMORANDUM

AND NOW, this 19th day of October, 2007, upon consideration of the August 21, 2007 Status Report filed by Defendant Allegheny Airlines, Inc. (Docket No. 43), as well as the Notice of Permanent Injunction that Allegheny Airlines filed with this Court on April 27, 2006 (Docket No. 39), and following a show cause hearing on October 18, 2007, **IT IS HEREBY ORDERED** that the case shall be **REMOVED** from Civil Suspense and **RETURNED** to the active docket. **IT IS FURTHER ORDERED** that the case is **DISMISSED**.

Plaintiff commenced this employment discrimination action in June of 2003. On September 12, 2004, US Airways Group, Inc. and four of its subsidiaries and affiliates, including Defendant, filed for bankruptcy under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1330, in the United States Bankruptcy Court for the Eastern District of Virginia (the “Bankruptcy Court”). As a result, all pending claims for damages against Defendant, including Plaintiff’s claims here, were automatically stayed, see 11 U.S.C. § 362(a), and we placed this case in civil suspense.

On September 16, 2005, the Bankruptcy Court confirmed the “Joint Plan of Reorganization of US Airways, Inc. and its Affiliated Debtors and Debtors-In Possession” (the “Plan”). The Plan provided for the “complete satisfaction, discharge, and release . . . of any and all Claims and Causes of Action” against Defendant, including those that arose before the date that the plan was confirmed.

Plan, at ¶ 11.2. Likewise, the Court Order confirming the Plan provides that “all Persons who . . . hold . . . Claims . . . shall be precluded and permanently enjoined . . . from: commencing or continuing any action, . . . or act to collect, offset, or recover any Claim or Cause of Action satisfied, released, or discharged under th[e] Plan” 9/16/05 Bankruptcy Court Order, at ¶ 9.

Under these circumstances, Plaintiff may not continue her action in this Court, claiming damages against Defendant, as the Bankruptcy Court Order enjoins her from doing so. Accordingly, we dismiss the case.

BY THE COURT:

/s/ John R. Padova, J.
John R. Padova, J.